

wantonness. Nor do the Sills plausibly allege negligence based on a *respondeat superior* theory because they fail to allege that either one-time Lifeway employee named in the Complaint was acting on Lifeway's authority and within the scope of their employment for Lifeway. The Sills' intentional infliction of emotional distress claim fails, too, because the alleged conduct was not outrageous or alleged to cause sufficiently severe mental harm. The Sills also fail to state a conspiracy claim against Lifeway because they do not adequately allege that Lifeway knowingly agreed with any other defendant to defame the Sills or that it undertook an overt act in furtherance of the conspiracy. Finally, the Sills' punitive damages claim fails as to Lifeway because the Sills do not allege Lifeway acted with the requisite intent.

3. Lifeway submits the accompanying brief in support of these arguments.

WHEREFORE, Lifeway respectfully asks the Court to dismiss all of Plaintiffs' claims against Lifeway with prejudice. Lifeway also prays for such other and further relief to which it may show itself justly entitled.

Dated: July 12, 2023

Respectfully submitted,

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